



02/12/02



3736

Express Mail No.: EL 500 577 171 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller *et al.*

Group Art Unit: 3736

Application No.: 09/706,583

Examiner: To be assigned

Filed: November 3, 2000

Attorney Docket No.: 10177-137-999  
(Former attorney docket no. 5756-0008.30)

For: METHOD AND MONITOR FOR  
ENHANCING ANGIOGENESIS IN  
THE HEART BY EXERCISE  
FOLLOW-UP

**TRANSMITTAL OF POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. 3.73(b)**

**RECEIVED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

DEC 16 2002

TECHNOLOGY CENTER R3700

Sir:

Submitted herewith is a Power of Attorney executed by Scott T. Bluni, patent counsel for Boston Scientific Corporation, on behalf of Scimed Life Systems, Inc., the assignee of the above-identified patent application. Applicants respectfully request that the enclosed Power of Attorney be made of record in the file of the application.

Applicants do not believe there is a fee due in connection with this submission. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

*Gidon D. Stern*

*By: D. James Barnes*

27,469

Date December 11, 2002

Gidon D. Stern (Reg. No.)  
By: D. James Barnes (Reg. No. 48,869)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller et al.

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FOLLOW-UP

Attorney Docket No.: 10177-137  
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Confirmation No.:

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**POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents  
Washington, D.C. 20231

S I R :

Scimed Life Systems, Inc. is assignee of record of the entire right, title and interest in, to and under the invention described and claimed in the above-identified patent application. Ownership of the entire right, title, and interest in the above-identified application by Scimed Life Systems, Inc., is established by assignments for which copies thereof are attached hereto.

Pursuant to 37 C.F.R.(b), Scimed Life Systems, Inc., hereby seeks to take action in the USPTO in this matter.

Scott T. Bluni, patent counsel for Boston Scientific Corporation, who is empowered to sign this Power of Attorney on behalf of Scimed Life Systems, Inc., hereby appoints Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I.


POWER OF ATTORNEY

Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them its attorneys, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to Pennie & Edmonds LLP, located at 1155 Avenue of the Americas, New York, NY 10036, and direct all telephone calls to Pennie & Edmonds LLP at (212) 790-9090.

Respectfully submitted,

Date: 29 Aug 02

By:   
Scott T. Bluni  
Patent Attorney  
Boston Scientific Corporation  
One Boston Scientific Place  
Natick, MA 01760-1537



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 11, 2001

PTAS

IOTA PI LAW GROUP  
PETER J. DEHLINGER  
P.O. BOX 60850  
PALO ALTO, CA 94306



\*101658399A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/22/2001

REEL/FRAME: 011647/0980  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
MUELLER, RICHARD L.

DOC DATE: 03/12/2001

**RECEIVED**

**DEC 16 2002**

ASSIGNOR:  
CHEE, U. HIRAM

DOC DATE: 03/12/2001

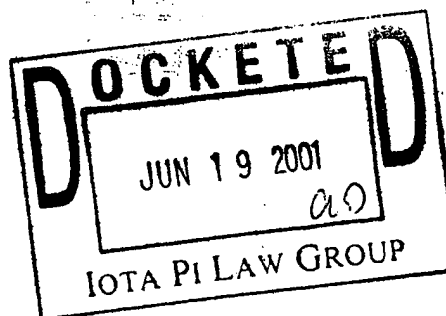
TECHNOLOGY CENTER R3700

ASSIGNEE:  
MICROHEART, INC.  
2634 BAYSHORE PARKWAY  
MOUNTAIN VIEW, CALIFORNIA 94043

SERIAL NUMBER: 09706583  
PATENT NUMBER:

FILING DATE: 11/03/2000  
ISSUE DATE:

SHARON BROOKS, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



DEC 11 2002  
PATENT & TRADEMARK

Form 1595  
1-11-92 (modified)

RECORDATION FORM COVER

04-10-2001

Commerce  
Office

Ord 3/22/01

PATENTS ONLY



101658399

To the Honorable Assistant Commissioner for Patents  
original documents or copy

1. Name of conveying party(ies):  
Richard L. Mueller  
U. Hiram Chee  
Add'l names of conveying parties attached?  
☐ Yes ☒ No
3. Nature of conveyance: ☒ Assignment  
☐ Merger ☐ Security Agreement ☐ Other  
☐ Change of Name ☐ Reassignment

2. Name/address of receiving party(ies):  
MicroHeart, Inc.

2634 Bayshore Parkway  
Mountain View, CA 94043

4. Date of execution: March 12, 2001.

- Add'l names of receiving parties attached? ☐ Yes ☒ No

RECEIVED

5. Application number(s) and/or patent number(s):

DEC 16 2002

If this document is being filed with a new application, the date of filing by the first named inventor was: \_\_\_\_\_

TECHNOLOGY CENTER R3700

A. Patent Application No.(s)  
09/706,583 filed 03 November 2000

B. Patent No.(s)

09/706 583

Additional numbers attached: ☐ Yes ☒ No

6. Name and address of party to whom correspondence concerning document should be mailed:

Iota Pi Law Group  
P.O. Box 60850  
Palo Alto, CA 94306  
(650) 324-0880  
Customer No. 22918

7. Total No. of applications and patents involved:  
one (1)

8. Total fee (37 CFR \$3.41): \$40.00  
☒ Enclosed is a check for \$40.00

Total number of pages, including cover sheet, attachments and document: 4

04/10/2001 DBYRNE 00000050 09706583

01 FC:581 40.00 DP

DO NOT USE THIS SPACE

10. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Peter J. Dehlinger  
Name of Person Signing

Peter J. Dehlinger  
Signature

03-20-01  
Date

Assignment

THIS ASSIGNMENT, by Richard L. Mueller and U. Hiram Chee, (hereinafter referred to as the Assignors), residing at Byron, CA and Santa Cruz, CA, respectively, witnesseth:

WHEREAS, the said Assignors have invented certain new and useful inventions set forth in an application for Letters Patent of the United States entitled METHOD AND MONITOR FOR ENHANCING ANGIOGENESIS IN THE HEART BY EXERCISE FOLLOW UP, bearing Serial No. 09/706,583 and filed on November 3, 2000;

WHEREAS, MicroHeart, Inc., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 2634 Bayshore Parkway, Mountain View, CA 94043, (hereinafter referred to as the Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, the said Assignors have sold, assigned, transfer and set over, and by these presents does sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues, reexaminations, or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the said Assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the Assignor, had this sale and assignment not been made.

AND, for the same consideration, the said Assignors hereby covenant and agree to and with the said Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, the said Assignors are the joint and lawful owners of the entire right, title and interest in and to the said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that the said Assignors have good and full right and lawful authority to sell and convey the same in

the manner herein set forth.

AND, for the same consideration, the said Assignors hereby covenant and agree to and with the said Assignee, its successors, legal representatives and assigns, that the said Assignors will, whenever counsel of the said Assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation, or continuation-in-part of any application for Letters patent, or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said Assignees, their successors, legal representatives and assigns, but at the cost and expense of the said Assignee, its successors, legal representatives and assigns.

AND, the said Assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said Assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

Date: 3/12/01

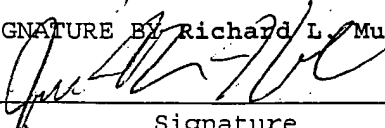
Richard L. Mueller  
Richard L. Mueller

Date: 3/12/01

U. Hiram Chee  
U. Hiram Chee

WITNESSES TO SIGNATURE BY Richard L. Mueller

1.

  
Signature

3/12/01  
Date

James R. Hermode  
Print Name

1080 Kildare Avenue  
Street Address

Sunnyvale, CA, 94087  
City, State & Zip Code

2.

  
Signature

3/12/01  
Date

BRIAN A. ELLINGWOOD  
Print Name

3665 BENTON ST. #56  
Street Address

SANTA CLARA, CA 95051  
City, State & Zip Code

WITNESSES TO SIGNATURE BY U. Hiram Chee

1.

  
Signature

3/12/01  
Date

James R. Hermode  
Print Name

1080 Kildare Avenue  
Street Address

Sunnyvale, CA, 94087  
City, State & Zip Code

2.

  
Signature

3/12/01  
Date

BRIAN A. ELLINGWOOD  
Print Name

3665 BENTON ST. #56  
Street Address

SANTA CLARA, CA 95051  
City, State & Zip Code

\*\*\*\*\*

Note: May be notarized in lieu of witnessing.



SOLE

ASSIGNMENT

WHEREAS, **MicroHeart, Inc.**, ASSIGNOR, a corporation duly organized under and pursuant to the laws of California, and having its principal place of business at 2634 Bayshore Parkway, Mountain View, California, 94043, is the owner of entire right, title and interest in and to the invention **METHOD AND MONITOR FOR ENHANCING ANGIOGENESIS IN THE HEART BY EXERCISE FOLLOW-UP**, which is established by an assignment recorded in the United States Patent and Trademark Office on March 22, 2001, at Reel 011647, Frame 0980 as to an application for a Patent of the United States

- ☒ which is executed on    ☐ even date herewith or    ☒ March 12, 2001
- ☒ which is identified by Pennie & Edmonds LLP docket no. 10177-137
- ☒ which was filed on November 3, 2000, Application No. 09/706,583

and WHEREAS, Boston Scientific Corporation, ASSIGNEE, a Delaware corporation having its principal place of business at One Boston Scientific Place, Natick, MA 01760-1537, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to MicroHeart in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application, U.S. provisional applications, such as no. 60/163,701 and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND MicroHeart HEREBY authorizes and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND MicroHeart HEREBY covenants and agrees that MicroHeart has full right to convey the entire interest herein assigned, and that MicroHeart has not executed, and will not execute, any agreement in conflict herewith.

AND MicroHeart HEREBY further covenants and agrees that MicroHeart will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to MicroHeart respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11 day of July, 2002.  
MicroHeart

By Richard L. Mueller L.S.

State of California )  
 ) SS.:  
County of Santa Clara )

On July 11<sup>th</sup>, 2002, before me, Delma Camacho, Notary Public, personally appeared Richard L. Mueller, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/it executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.



DELMA CAMACHO

## ASSIGNMENT

WHEREAS, Boston Scientific Corporation, Inc., ASSIGNOR, a Delaware corporation having its principal place of business at One Boston Scientific Place, Natick, MA 01760-1537, is the owner of entire right, title and interest in and to the invention **METHOD AND MONITOR FOR ENHANCING ANGIOGENESIS IN THE HEART BY EXERCISE FOLLOW-UP**, which is established by an assignment, for which a copy thereof is attached hereto, as to an application for a Patent of the United States

- ☒ which is executed on ☐ even date herewith or ☒ March 12, 2001  
☒ which is identified by Pennie & Edmonds LLP docket no. 10177-137  
☒ which was filed on November 3, 2000, Application No. 09/706,583

and WHEREAS, Scimed Life Systems, Inc., ASSIGNEE, a Minnesota corporation having an address at One Scimed Place, Maple Grove, MN 55311-1566, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to Boston Scientific Corporation in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application, U.S. provisional applications, such as no. 60/163,701 and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND Boston Scientific Corporation HEREBY authorizes and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND Boston Scientific Corporation HEREBY covenants and agrees that Boston Scientific Corporation has full right to convey the entire interest herein assigned, and that Boston Scientific Corporation has not executed, and will not execute, any agreement in conflict herewith.

AND Boston Scientific Corporation HEREBY further covenants and agrees that Boston Scientific Corporation will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to Boston Scientific Corporation respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 29 day of August, 2002.  
Boston Scientific Corporation

By [Signature] L.S.  
Scott T. Bluni  
Patent Attorney

State of Massachusetts  
County of Middlesex SS.:

On August 29, 2002, before me, Cathleen Dyer Notary Public, personally appeared Scott T. Bluni, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

